

Response to Appellant's Arguments

1. Appellant asserts, on Page 4 of the Reply Brief, that "In the Examiner's Response, at page 2, the Examiner notes that Ando, at col. 4, lines 27-36, describes that there are multiple lanes of traffic and that there is an antenna unit for each lane of traffic. This is true. However, as previously discussed by Appellants, Ando's teaching of multiple lanes of traffic, is already dealt with in the Ando time-division multiple access system. Such multiple lanes of traffic, in the context of the time-division multiple access method would not have motivated one of skill in the art at the time of the present invention to create an entirely new and increasingly complex system based not on time-division multiple access, but rather on a completely different system based on a scanning of multiple frequencies at specified ratios as in the present invention." [Emphasis added] Appellant ignores the reason why Examiner mentioned Ando's disclosure of a dedicated antenna unit for each traffic lane: to refute Appellant's specific assertion that the possible scenarios (regarding the need to treat different classes of drivers differently, such as via separate lanes with their respective equipment) mentioned by the Examiner are not taught by either Ando or Wiatrowski *et al.* The fact that Ando does disclose a separate antenna unit for each lane of traffic contradicts Appellant's assertion.

Appellant asserts, on Page 5 of the Reply Brief, that "The fact that Ando has not described any detailed specifications regarding a size of the circuit does not change the fact that the two clearly-defined goals of the Ando system are: 1) providing an apparatus and circuit which are simplified and reduced in size; and 2) providing a

system which can operate in a very short communication time. ... Thus one of skill in the art at the time of the present invention would not have been motivated to modify the Ando system in this way as such a modification would clearly contravene the goals of a smaller and more simplified circuit and short communication time." As stated previously, Appellant has failed to demonstrate that a circuit resulting from the combination of Ando and Wiatrowski *et al.* would not meet the requirements of Ando, namely, that the circuit be small to be mounted and operate in a very short communication time. Even if the circuit of Ando was made more complex, it would not necessarily fail to meet these two requirements.

Appellant states, on Pages 5-6 of the Reply Brief, that "In the Examiner's Response, the Examiner quotes Ando, which describes: "The MDS is multiplexed using transmission channels, each of which uses a different frequency for the down-link and for the up-link." The Examiner asserts that this statement requires there to be multiple transmission channels where each channel uses a down-link frequency which is different from the down-link frequency of all other channels and where each transmission channel uses an up-link frequency which is different from the up-link frequency of all other channels. The Examiner is clearly mistaken. There is no teaching or suggestion in Ando which supports this interpretation. Rather, Ando specifically describes that the RSE has a single transmission (downlink) frequency f_1 and a single reception frequency f_2 ." On the contrary, Ando clearly states that multiple channels are used, with the words "transmission channels, each of which" which was emphasized in the last response. Ando clearly states that there are a plurality of

transmission channels, and that each channel has a separate downlink and uplink frequency. A channel is defined by its uplink and downlink frequencies. Therefore, the various channels have distinct uplink and downlink frequencies.

Appellant asserts, on Page 7 of the Reply Brief, that "squellch rules are not relevant to a high speed link establishment and a non high speed link establishment, as claimed. Rather, they merely require a detection of a low speed or high speed signal." On the contrary, as pointed out in the previous response, the presence of respective squellch criteria for both high speed and low speed binary signals necessitates the use of both high speed and low speed signals in the invention of Ando.

Appellant asserts, on Page 8 of the Reply Brief, that "If this were the case, then the listing of reception and transmission frequencies in the table in column 9 would be meaningless, because the Examiner would have us assume that listing a reception frequency as "A" does not actually specify the frequency, but merely means that it is a reception frequency, and that listing a transmission frequency as "B" does not actually specify the frequency, but merely means that it is a transmission frequency. If this were the case, the table in column 9 would be completely redundant." First, "A" and "B" literally do not specify any frequency. Rather, they are variable quantities. Second, the table is not redundant because the use of "A" for the reception frequency and "B" for the transmission frequency does convey meaningful information, *e.g.*, that FDD, rather than TDD (in which case both reception and transmission frequencies would be "A" for instance), is being used.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 571-272-7541. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Matthew W Genack/

Examiner, Art Unit 2617

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2617